

Serial No. 10/074,299

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REMARKS

The Applicants and the undersigned thank Examiner Bartley for the careful review of this application. Claims 1-44 have been rejected by the Examiner. Upon entry of this amendment, Claims 1-44 remain pending in this application. The independent claims are Claims 1, 8, 18, 25, and 35. Consideration of the present application is respectfully requested in light of the above amendments and the following remarks.

I. Objections to the Drawings

In accordance with the comments above, Applicants are submitting replacement sheets for Figures 10-14. Applicants submit that these replacement sheets address all of the Examiner's objections.

II. Rejection Under 35 U.S.C. § 112

The Examiner rejected Claim 38 under 35 U.S.C. § 112, second paragraph. The Examiner asserts that the term "appetites" is indefinite because the applicants are using the term contrary to its ordinary meaning and the applicants have failed to redefine the term.

Applicants respectfully traverse the Examiner's assertions. Applicants submit that they are not using the term in a manner contrary to its ordinary meaning. Instead, Applicants are using the term "appetites" in a manner that is consistent with its ordinary meaning.

The Examiner cites the Merriam-Webster Online Dictionary as defining "appetites" as meaning an "inherent craving." The Merriam-Webster Online Dictionary includes several definitions of "appetites", including a "taste" or "preference". (See [www.m-w.com](http://www.m-w.com).) Applicants are using the term "investment appetites" in Claim 38 to mean investment preferences. This use of "investment appetites" is consistent with the specification where it describes investment appetites as one of the "criteria used by the investor to distinguish between attractive and undesirable investment opportunities." (Specification, p. 8, lines 26-28.)

Accordingly, Applicants submit that they are not using the term "appetites" in a manner that is contrary to its ordinary meaning, that no redefinition of the term in the specification is necessary, and that the term is sufficiently definite.

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III. Rejections Under 35 U.S.C. §§ 102 and 103

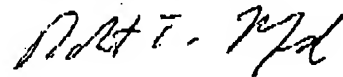
The Examiner rejected Claims 1-5, 7-19, and 21-44 under 35 U.S.C. § 102 as being unpatentable over U.S. Published Patent Application No. 2003/0144945 A1 identifying inventors Opsahl-Ong, et al. (the "Opsahl-Ong reference"). The Examiner also rejected Claims 6 and 20 under 35 U.S.C. § 103 as obvious in view of the combination of the Opsahl-Ong reference and an article from Smith and Mosier.

Applicants respectfully traverse these rejections. Applicants submit herewith the a Declaration of Prior Inventorship Under 37 C.F.R. § 1.131 from the inventors. The Declaration sets forth facts demonstrating that the Applicants conceived and reduced to practice the invention claimed in this application prior to the filing date of the Opsahl-Ong reference. Accordingly, Applicants submit that they have overcome the Examiner's rejections.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed on January 29, 2007. The Applicants and the undersigned thank Examiner Bartley for considering these amendments and remarks. The Applicants respectfully submit that the present application is in condition for allowance and such action is hereby solicited. If any issues remain that may be resolved by telephone, the Examiner is requested to call the undersigned in Atlanta at 404.572.3505.

Respectfully submitted,



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AMENDMENTIn the Drawings

In the Office Action, the Examiner objected to Figures 10-14 because they contain shading that is too dark. Submitted with this response are replacement drawings for Figures 10-

14. Applicants submit that the replacement drawings are in compliance with 37 C.F.R. §

1.121(d).

The Examiner also objected to the drawings because they fail to show element 1410 as described in the specification at page 16, line 8. Applicants have amended Figure 14 to clearly show the reference number 1410. Applicants have further amended Figure 14 by replacing the shading in the graph with the labels "green area", "yellow area", and "red area". These labels illustrate the description in the specification more clearly than the shading that was in the original Figure 14 submitted at the time of filing the application. The labels added to Figure 14 are clearly supported by the specification at page 12, lines 17-18; page 14, lines 9-12; page 15, lines 9-12 and lines 14-17; and page 16, lines 5-9. Such labels are permitted by 37 C.F.R. §

1.83(a).

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